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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/816,203

Applicant(s)

THOMPSON ET AL.

Examiner

James H. Blackwell

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 14-16 and 49-115 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 14-16 and 49-115 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/28/2008 has been entered.

Claims 1, 14-16, 49-115 remain pending.

Claims 1, 49, 71, 93, and 115 are independent Claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 14 and 16 remain rejected under 35 U.S.C. 102(b) as being anticipated by Olbricht (U.S. Patent No. 6,429,952 filed 08/31/1998, issued 08/06/2002).

In regard to independent Claim 1, Olbricht discloses:

- A *method* (at least Col. 2, lines 25-63; Figures 2, 3 → Olbricht describes a method that uses a browser-based user interface to control a remote scanner.

The remote scanner provides an HTML-formatted user interface to the browser

via HTTP protocols. The user interface contains at least a "Scan" button to initiate the scanning of content placed upon the remote scanner) *comprising acts of:*

- *a) providing an electronic document that includes a button (at least Col. 3, lines 42-50; Figures 2, 3 → a web browser receives an HTML-formatted user interface from a server associated with a scanner. The user interface is displayed to the user with a set of configuration parameters and at least a "Scan" button (Figure 2 also contains a "Preview" button). A user selects the desired parameters. At this point, the user interface page is associated with the content to be scanned through these configuration parameters).*
- *b) in response to selection of the button, retrieving at least one picture that includes content previously associated with the electronic document (at least Col. 3, lines 19-65; Figure 2 → a user selects the "Preview" button which commands the scanner to acquire an image of the content placed upon it, and to place that image onto the user interface).*
- *c) displaying the at least one picture (at least Col. 3, lines 19-65; Figure 2 → the scanned content (image) is displayed to the user through the prior invocation of a "Preview" button in the user interface).*

In regard to dependent Claim 14, Olbricht discloses:

- *the electronic document is a form* (at least Figure 2 → an HTML user interface page displayed on a browser for interacting with a remote scanner. The interface contains elements one would likely associate with a typical HTML input form (e.g., pull-down menus, buttons, etc.).

In regard to dependent Claim 16, Olbricht discloses:

- *updating the form to include additional information* (at least Col. 3, lines 19-65; Figure 2 → HTML user interface has optional "Preview" mode where a user can scan content and preview it. If there are problems with the resulting scan, then the user interface would allow the user to make modifications and to rescan until the resulting scan appears the way the user desires. The file can then be saved to several graphical formats).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olbricht in view of Abrams (U.S. Patent Application Publication No. 2004/0205459 A1 filed 10/26/2001, published 10/14/2004).

In regard to dependent Claim 15, Olbricht fails to explicitly disclose:

- *the form includes entries relating to aircraft inspection.*

However, Abrams discloses *the form includes entries relating to aircraft inspection* (Col. 2, lines 18-67 → a user controlling and capturing remote images from cameras and also allows the user to construct (and edit) "View Cards" or annotated snapshots of remotely captured scenes that can contain comments and allows the user to email these cards to others.

It would have been obvious to one of ordinary skill in the art at the time of invention to apply the feature of using a form interface ("Create View Card") to further document a captured image to other instances where captured images require additional documentation (e.g., aircraft maintenance records), providing the benefit of a further means to document work through image capture.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of Olbricht and Abrams as both inventions generally relate to the acquisition of remote data using an HTML user interface with buttons and receiving data via the web (internet)). Adding the disclosure of Abrams provides the benefit of allowing for the editing of captured images to add to documentation of the image.

Claims 49-50, 52, 54-57, 68, 70-72, 74, 76-79, 90, 92-94, 96-101, 112 and 114 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olbricht in view of Green (U.S. Patent Application Publication No. 2004/0205459 A1 filed 10/26/2001, published 10/14/2004).

In regard to independent Claim 49, Olbricht discloses:

- *A method* (at least Col. 2, lines 25-63; Figures 2, 3 → Olbricht describes a method that uses a browser-based user interface to control a remote scanner. The remote scanner provides an HTML-formatted user interface to the browser via HTTP protocols. The user interface contains at least a "Scan" button to initiate the scanning of content placed upon the remote scanner), *comprising the acts of:*
 - *(a) providing a first electronic document that includes a first button at a first location in the document* (at least Col. 3, lines 42-50; Figure 2 → a user enters the URL of a remote server hosting a scanner into their web browser. The server sends an HTML-formatted user interface *(a first*

electronic document) containing means to adjust settings that control how the scanner performs the scan of content placed upon it and two buttons, both of which cause the scanner to scan the content ("Preview" and "Scan"). Both buttons are located in a "first location" in the user interface. Once any settings have been made, the user interface page is associated with the content to be scanned).

- *(b) in response to selection of the first button, calling an image capture application to capture at least one image* (at least Col. 3, lines 19-65; Figure 2 → the user can choose to either select the "Preview" or "Scan" buttons, both of which command the scanner to obtain an image of the content placed upon the scanner.
- *(c) associating the at least one image captured by the image capture application with the first location in the first electronic document...* (at least Figure 2 → selection of the "Preview" button commands the scanner to acquire an image of the content placed on the scanner and associates that content with a first location within the user interface).

Olbricht fails to disclose:

- *...so that the at least one image is retrievable in response to selection of a second button at the first location in the first electronic document.*

Olbricht describes two buttons within the user interface depicted in Figure 2, "Preview" and a "Scan." Assuming that the user does not change the content placed on the scanner, selecting either of these buttons causes the

scanner to capture the same image in the sense that the same content is captured.

The Applicant's system also has two buttons. However, one of those buttons captures an image while the other causes the display of that previously-captured image.

Green teaches a browser-controlled scanner and user interface from which a user can initiate the scanning of a document (either a regular scan or a scan and OCR and a "Continue" (i.e. *first*) button) as well as display the resulting image(s) obtained by the scanner as a thumbnail or thumbnails (i.e. *second button(s)*) that when clicked, produce a full paged version of the page represented by the thumbnail "button" (see Page 4, Paragraph [0039]; Page 5, Paragraph [0045]; Figure 6).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of Olbricht and Green as both inventions are related to the browser-based control of an image capture device. Adding the disclosure of Green provides the added functionality of a second button for invoking the display of content previously obtained by the image capture device.

In regard to dependent Claim 50, Olbricht discloses:

- *the at least one image is a still image* (at least Figure 2 → depicts the scan and preview of a still image).

In regard to dependent Claim 52, Olbricht discloses:

- *the first electronic document is managed by a document editing application (Fig. 2 → the scanner user interface page (HTML) is managed by a browser application) and wherein the act (b) further comprises an act of:*
 - *storing the at least one image at a second location provided to the image capture application by the document editing application (Col. 3, lines 50-65 → scanned documents (images) can be stored by selecting the "Save As" command in the browser in several different formats).*

In regard to dependent Claim 54, Olbricht discloses:

- *the document editing application is a browser (Fig. 2 → the scanner user interface page (HTML) is managed by a browser application).*

In regard to dependent Claim 55, Olbricht discloses:

- *the second location is a file system location (Col. 3, lines 50-65 → scanned documents (images) can be stored by selecting the "Save As" command in the browser in several different formats. A file system location is broadly interpreted to be disk or memory storage).*

In regard to dependent Claim 56, Olbricht discloses:

- *the second location is a location in a database table (Col. 3, lines 50-65 → scanned documents (images) can be stored by selecting the "Save As"*

command in the browser in several different formats. A database table is broadly interpreted as storage).

In regard to dependent Claim 57, Olbricht discloses:

- *the second location is a physical disk location* (Col. 3, lines 50-65 → scanned documents (images) can be stored by selecting the “Save As” command in the browser in several different formats).

In regard to dependent Claim 68, Olbricht discloses:

- *the image capture application captures the at least one image using at least one image capture device* (Col. 3, lines 19-31 → a HTML browser user interface to control a scanner (image capture device)).

In regard to dependent Claim 70, Olbricht discloses:

- *the at least one image capture device is a scanner* (Col. 3, lines 19-31 → a HTML browser user interface to control a scanner (image capture device)).

In regard to Claims 71-72, 74, 76-79, 90, and 92, Claims 71-72, 74, 76-79, 90, and 92 merely recite a computer readable medium encoded with instructions, that when executed on a computer system, perform the method of Claims 49-50, 52, 54-57, 68, and 70, respectively. Thus, Olbricht in view of Green discloses every limitation of Claims

71-72, 74, 76-79, 90, and 92, as indicated in the above rejections for Claims 49-50, 52, 54-57, 68, and 70.

In regard to Claims 93-94, 96, 98-101, 112, and 114, Claims 93-94, 96, 98-101, 112, and 114 merely recite a computer system for performing the method of Claims 49-50, 52, 54-57, 68, and 70, respectively. Thus, Olbricht in view of Green discloses every limitation of Claims 93-94, 96-101, 112, and 114, as indicated in the above rejections for Claims 49-50, 52, 54-57, 68, and 70.

Claims 53, 58-60, 63-67, 69, 75, 80-82, 85-89, 97, 102-103, 105-106, 108-111, and 113 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olbricht in view of Green, and in further view of Abrams.

In regard to dependent Claim 53, both Olbricht and Green fail to disclose:

- *the document editing application is a word processing application.*

However, Abrams discloses *the document editing application is a word processing application* (at least Col. 2, lines 18-67 → allows a user to control and capture remote images from cameras and also allows the user to construct (and edit) “View Cards” or annotated snapshots of remotely captured scenes that can contain comments and allows the user to email these cards to others. The editing features available to the user are not unlike those that could be carried out by an editor (e.g., word processor)).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of Olbricht, Green and Abrams as all three inventions generally relate to the acquisition of remote data using an HTML user interface with buttons and receiving data via the web (internet)). Adding the disclosure of Abrams provides the benefit of allowing for the editing of captured images to add to documentation of the image).

In regard to dependent Claim 58, both Olbricht and Green fail to disclose:

- *copying at least some of the first electronic document to create a second electronic document; and storing the second electronic document.*

However, Abrams discloses *copying at least some of the first electronic document to create a second electronic document; and storing the second electronic document* (at least Col. 2, lines 43-67 → a user views a page-based user interface that shows him a live view of a remote physical location. From this "live view selection page" the user can control a camera at the remote location simply by clicking on the presented image or by using other controls on the page. In this manner, the user visually navigates the remote space (panning, zooming, etc.) and selects various live views. The live view selection page allows the user to preserve any live view. To communicate a preserved view to another user, the user clicks the "Create View Card" button. A view card construction page appears and the user enters the recipient's email address and a message about the preserved view. The "View Card" represents a portion of the original "View" page (*a second electronic*

document) that preserves a snapshot of the live view to be stored or emailed to another user).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of Olbricht, Green and Abrams as all three inventions generally relate to the acquisition of remote data using an HTML user interface with buttons and receiving data via the web (internet)). Adding the disclosure of Abrams provides the benefit of preserving a portion of the original document to document a particular instant of time to be used by others.

In regard to dependent Claim 59, both Olbricht and Green fail to disclose:

- *the act of storing the second electronic document further comprises an act of storing the second electronic document without storing the first electronic document.*

However, Abrams discloses *the act of storing the second electronic document further comprises an act of storing the second electronic document without storing the first electronic document* (at least Col. 2, lines 43-67 → a user views a page-based user interface that shows him a live view of a remote physical location. From this "live view selection page" the user can control a camera at the remote location simply by clicking on the presented image or by using other controls on the page. In this manner, the user visually navigates the remote space (panning, zooming, etc.) and selects various live views. The live view selection page allows the user to preserve any live view. To communicate a preserved view to another user, the user

clicks the "Create View Card" button. A view card construction page appears and the user enters the recipient's email address and a message about the preserved view. To communicate the view card to the designated recipient, the user clicks "Send View Card." The recipient, when viewing the page-based view card, sees the preserved live view, the message from the other user, and the communication information. Clearly, the "View Card", representing the second document is stored (e.g., emailed) while the first document is not).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of Olbricht, Green and Abrams as all three inventions generally relate to the acquisition of remote data using an HTML user interface with buttons and receiving data via the web (internet)). Adding the disclosure of Abrams provides the benefit of preserving a portion of the original document to document a particular instant of time to be used by others.

In regard to dependent Claim 60, both Olbricht and Green fail to disclose:

- *the button is a first button and wherein the method further comprises acts of: retrieving the second electronic document; and in response to selection of a second button at a third location in the second electronic document, retrieving the at least one image.*

However, Abrams discloses *the button is a first button and wherein the method further comprises acts of: retrieving the second electronic document; and in response to selection of a second button at a third location in the second electronic*

document, retrieving the at least one image (at least Col. 2, lines 43-67 → that the recipient of a "view Card" (*retrieved second electronic document*), when viewing the page-based view card, sees the preserved live view, the message from the other user, and the communication information. By clicking on the image (*a second button*) in the view card (*second electronic document*), the recipient can activate the preserved view such that the view card page is replaced by a live view selection page showing the current, live image captured by the camera at the remote location. Now the recipient can visually navigate the remote location in exactly the same way as the sender of the view card. By means of the present invention's easy-to-use page-based interfaces, users can share live views and collaborate with respect to real-time events at a remote location).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of Olbricht, Green and Abrams as all three inventions generally relate to the acquisition of remote data using an HTML user interface with buttons and receiving data via the web (internet)). Adding the disclosure of Abrams provides the benefit of preserving a portion of the original document to document a particular instant of time to be used by others.

In regard to dependent Claim 63, both Olbricht and Green fail to disclose:

- *displaying the at least one image.*

However, Abrams discloses *displaying the at least one image* (at least Col. 2, lines 43-67 → that the recipient of a “view Card” (*retrieved second electronic document*), when viewing the page-based view card, sees the preserved live view, the message from the other user, and the communication information. By clicking on the image (*a second button*) in the view card (*second electronic document*), the recipient can activate the preserved view such that the view card page is replaced by a live view selection page showing the current, live image captured by the camera at the remote location. Now the recipient can visually navigate the remote location in exactly the same way as the sender of the view card. By means of the present invention's easy-to-use page-based interfaces, users can share live views and collaborate with respect to real-time events at a remote location).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of Olbricht, Green and Abrams as all three inventions generally relate to the acquisition of remote data using an HTML user interface with buttons and receiving data via the web (internet)). Adding the disclosure of Abrams provides the benefit of preserving a portion of the original document to document a particular instant of time to be used by others.

In regard to dependent Claim 64, both Olbricht and Green fail to disclose:

- *the first electronic document is a template for the second electronic document.*

However, Abrams discloses *the first electronic document is a template for the second electronic document* (at least Col. 2, lines 43-67 → a user views a page-based user interface that shows him a live view of a remote physical location. From this "live view selection page" the user can control a camera at the remote location simply by clicking on the presented image or by using other controls on the page. In this manner, the user visually navigates the remote space (panning, zooming, etc.) and selects various live views. The live view selection page allows the user to preserve any live view. To communicate a preserved view to another user, the user clicks the "Create View Card" button. A view card construction page appears and the user enters the recipient's email address and a message about the preserved view. To communicate the view card to the designated recipient, the user clicks "Send View Card." The recipient, when viewing the page-based view card, sees the preserved live view, the message from the other user, and the communication information. Thus, the "View Card" is derived from the original view page, so the original view page is a template for the "View Card" where the original view page is the first electronic document and the "View Card" is the second electronic document.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of Olbricht, Green and Abrams as all three inventions generally relate to the acquisition of remote data using an HTML user interface with buttons and receiving data via the web (internet)). Adding the

disclosure of Abrams provides the benefit of preserving a portion of the original document to document a particular instant of time to be used by others.

In regard to dependent Claim 65, both Olbricht and Green fail to disclose:

- *the second electronic document is not modifiable.*

However, Abrams discloses *the second electronic document is not modifiable* (at least Col. 2, lines 32-42 → the “view Card” sent to a recipient is akin to an electronic postcard (a view card) of what he sees to another user. Moreover, the view card recipient through the view card can seamlessly connect to the live remote source and visually navigate the space himself. The view card itself, which is intended to capture a moment in time and document it in image and comments would likely not be edited by the recipient of the view card).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of Olbricht, Green and Abrams as all three inventions generally relate to the acquisition of remote data using an HTML user interface with buttons and receiving data via the web (internet)). Adding the disclosure of Abrams provides the benefit of preserving a portion of the original document to document a particular instant of time to be used by others.

In regard to dependent Claim 66, both Olbricht and Green fail to disclose:

- *the first and second electronic documents are forms.*

However, Abrams discloses *the first and second electronic documents are forms* (at least Figures 3, 7 → Figure 3 depicts the original electronic document for viewing a particular view and manipulating the view preparing to capture a particular instant of the image into a "View Card", which is depicted in Figure 7. Both of these documents can be HTML documents. Both contain features one might expect to be present in a typical HTML form).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of Olbricht, Green and Abrams as all three inventions generally relate to the acquisition of remote data using an HTML user interface with buttons and receiving data via the web (internet)). Adding the disclosure of Abrams provides the benefit of providing HTML forms as a part of the user interface.

In regard to dependent Claim 67, both Olbricht and Green fail to disclose:

- *the first and second electronic documents are forms including entries related to aircraft inspection.*

However, Abrams discloses *the first and second electronic documents are forms including entries related to aircraft inspection* (at least Col. 2, lines 18-67 → a user controlling and capturing remote images from cameras and also allows the user to construct (and edit) "View Cards" or annotated snapshots of remotely captured

scenes that can contain comments and allows the user to email these cards to others.

It would have been obvious to one of ordinary skill in the art at the time of invention to apply the feature of using a form interface ("Create View Card") to further document a captured image to other instances where captured images require additional documentation (e.g., aircraft maintenance records), providing the benefit of a further means to document work through image capture.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of Olbricht, Green and Abrams as all three inventions generally relate to the acquisition of remote data using an HTML user interface with buttons and receiving data via the web (internet)). Adding the disclosure of Abrams provides the benefit of allowing for the editing of captured images to add to documentation of the image.

In regard to dependent Claim 69, both Olbricht and Green fail to disclose:

- *the at least one image capture device is a camera.*

However, Abrams discloses *the at least one image capture device is a camera* (Col. 2, lines 18-67 → allows a user to control and capture remote images from cameras and also allows the user to construct (and edit) "View Cards" or annotated snapshots of remotely captured scenes that can contain comments and allows the user to email these cards to others. The editing features available to the user are not unlike those that could be carried out by an editor (e.g., word processor)).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of Olbricht, Green and Abrams as all three inventions generally relate to the acquisition of remote data using an HTML user interface with buttons and receiving data via the web (internet)). Adding the disclosure of Abrams provides the benefit of allowing for the editing of captured images to add to documentation of the image).

In regard to Claims 75, 80-82, 85-88, 89, and 91, Claims 75, 80-82, 85-88, 89, and 91 merely recite a computer readable medium encoded with instructions, that when executed on a computer system, perform the method of Claims 53, 58-60, 63-66, 67, and 69 respectively. Thus, the combination of Olbricht, Green and Abrams discloses every limitation of Claims 75, 80-82, 85-88, 89, and 91, as indicated in the above rejections for Claims 53, 58-60, 63-66, 67, and 69.

In regard to Claims 102-103, 105-106, 108-110, 111, and 113, Claims 102-103, 105-106, 108-110, 111, and 113 merely recite a computer system for performing the method of Claims 58-59, 61-62, 64-66, 67, and 69 respectively. Thus, the combination of Olbricht, Green and Abrams discloses every limitation of Claims 102-103, 105-106, 108-110, 111, and 113, as indicated in the above rejections for Claims 58-59, 61-62, 64-66, 67, and 69.

Claims 51, 73, and 95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olbricht in view of Green, and in further view of Namma et al. (hereinafter Namma, U.S. Patent No. 6,182,116 filed 09/14/1998, issued 01/30/2001).

In regard to dependent Claim 51, both Olbricht and Green fail to disclose:

- *the at least one image is a moving image.*

However, Namma discloses *the at least one image is a moving image* (at least Figures 12-13; Col. 22, lines 26-44 → in Figure 12, when the user clicks on the house entrance video camera icon 950, the camera operation designation section 947 detects this and responds by generating a GET command which specifies starting of acquiring video data from the output signal of the video camera having the name "camera1". When that command is generated, a field "/command/" is inserted as the header field of the command, so that the command will be recognized as an operation request by the virtual WWW server apparatus 91. Thus, video is acquired from a remotely controlled video camera via web interface by clicking a button).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of Olbricht, Green and Namma as all three inventions generally relate to the acquisition of remote data using an HTML user interface with buttons and receiving data via the web (internet)). Adding the disclosure of Namma provides the benefit of also acquiring video from remote sources controlled from a browser.

In regard to Claim 73, Claim 73 merely recites a computer readable medium encoded with instructions, that when executed on a computer system, perform the method of Claim 51. Thus, Olbricht in view of Green and Namma discloses every limitation of Claim 73, as indicated in the above rejections for Claim 51.

In regard to Claim 95, Claim 95 merely recites a computer system for performing the method of Claim 51. Thus, Olbricht in view of Green and Namma discloses every limitation of Claim 95, as indicated in the above rejection for Claim 51.

Claims 61-62, 83-84, 104 and 107 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olbricht in view of Green, and in further view of Abrams, and in further view of Kaplan et al. (hereinafter Kaplan, U.S. Patent Application Publication No. 2001/0056434 filed 03/29/2001, published 12/17/2001).

In regard to dependent Claim 61, Olbricht, Green and Abrams fail to disclose:

- *the act of retrieving the at least one image further comprises an act of: determining if the at least one image exists at the second location.*

However, Kaplan discloses *the act of retrieving the at least one image further comprises an act of: determining if the at least one image exists at the second location* (at least Page 6, Paragraphs [0058-0059] → typical operating systems that when downloading digital media first make certain that an existing image is not present (e.g., checks the name of the file currently stored) and repeatedly prompts

the user if they desire to overwrite a preexisting file. Kaplan further discloses that such images can be acquired using scanning techniques ([0058])).

Thus, for systems where images are digitized via scanners and scanning techniques, the operating system of Kaplan would first check, then prompt the user that they are about to overwrite an existing stored image.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of Olbricht, Green, Abrams, and Kaplan as all of these inventions generally relate to the acquisition of remote data. Adding the disclosure of Kaplan provides the benefit of providing a warning before overwriting an existing image.

In regard to dependent Claim 62, Olbricht, Green and Abrams fail to disclose:

- *when the at least one image exists at the second location, retrieving the at least one image from the second location.*

However, Kaplan discloses *when the at least one image exists at the second location, retrieving the at least one image from the second location* (at least Page 6, Paragraphs [0058-0059] → typical operating systems that when downloading digital media first make certain that an existing image is not present (e.g., checks the name of the file currently stored) and repeatedly prompts the user if they desire to overwrite a preexisting file. Kaplan further discloses that such images can be acquired using scanning techniques ([0058])).

Thus, for systems where images are digitized via scanners and scanning techniques, the operating system of Kaplan would first check, then prompt the user that they are about to overwrite an existing stored image. If that is okay with the user, the image is overwritten and the new image is stored and can be subsequently retrieved.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of Olbricht, Green, Abrams, and Kaplan as all of these inventions generally relate to the acquisition of remote data. Adding the disclosure of Kaplan provides the benefit of providing a warning before overwriting an existing image.

In regard to Claims 83-84, Claims 83-84 merely recite a computer readable medium encoded with instructions, that when executed on a computer system, perform the method of Claims 61-62 respectively. Thus, the combination of Olbricht, Green, Abrams, and Kaplan discloses every limitation of Claims 83-84, as indicated in the above rejections for Claims 61-62.

In regard to Claims 104 and 107, Claims 104 and 107 merely recite a computer system for performing the method of Claims 61 and 62, respectively. Thus, the combination of Olbricht, Green, Abrams, and Kaplan discloses every limitation of Claims 104 and 107, as indicated in the above rejections for Claims 61 and 62.

Claim 115 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olbricht in view of Gann et al. (hereinafter Gann, U.S. Patent No. 6,965,460 filed 08/08/2000, issued 11/15/2005).

In regard to independent Claim 115, Olbricht discloses:

- *A method of operating a computer, the computer having a display and executing a document management application that manages a first electronic document having a button and a data capture application that captures images from a data capture device* (at least Col. 2, lines 25-63; Figures 2, 3 → describes a system using a browser-based user interface to control a remote scanner. The remote scanner provides HTML-formatted user interface to the browser via HTTP protocols. The user interface contains at least a "Scan" button to initiate the scanning of content on the remote scanner.), *the method comprising acts of:*
 - *a) in response to selection of the button, calling the data capture application so that the data capture application provides a live view from the data capture device on the display* (at least Col. 3, lines 19-65; Figure 2 → The user initiates the scan, the scanner scans the content (image) and streams back the scanned content to the browser).

As defined in the Applicants original Specification (Pages 19-20), a "live view" is described as a "live moving image" with an associated "refresh rate" suggesting a capture device capable of video.

Olbricht fails to explicitly describe such a "live view."

However, Gann teaches a look-down digital imaging device (i.e. scanner) capable of capturing high-resolution digital images comparable to a traditional flatbed scanner (see at least Abstract). Furthermore, it describes a video image capture device included in the scanner with which the user can interactively view a "live" image on a computer interface attached to the scanner and, for example, move the item to be scanned such that it is properly aligned (see at least Col. 8, line 1 through Col. 9, line 28).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of Olbricht and Gann as both inventions are related to the capture of content with an image capture device controlled by a computer-based user interface. Adding the disclosure of Gann provides the user the benefit of interactive feedback to assure that the content to be captured is properly aligned in the field of view of the capture device.

Olbricht continues by disclosing:

- o *b) associating at least one image captured from the data capture device with the first electronic document* (at least Col. 3, lines 19-65; Figure 2 → the scanned content (image) is displayed to the user through the prior invocation of a "Preview" parameter on the browser user interface).

Response to Arguments

Applicant's arguments with respect to claims 49, 71, 93 and 115 have been considered but are moot in view of the new ground(s) of rejection.

With respect to the rejection of Claim 1 under Olbricht, Applicants again argue that it fails to disclose or suggest the limitation of Claim 1 that recites, *"in response to selection of the button, retrieving at least one picture that includes content previously associated with the electronic document."*

The issue appears to be centered on the meaning of the phrase *"content previously associated"* with respect to the limitation of at least Claim 1 above. As far as the Examiner can determine based on a thorough reading of the Specification, the phrase *"content previously associated"* essentially refers to content (e.g. metadata, parameters, URLs) referencing multimedia that does not yet exist, associated with a button or other control, perhaps embedded as part of a larger document or page, that when clicked/selected sends that content to a capturing device. The capturing device (e.g. camera, scanner, microphone) then captures/acquires multimedia according to the content sent to the capturing device when the button was clicked/selected and applies that information to the resulting file.

The Examiner respectfully disagrees that Olbricht does not teach this limitation.

Olbricht comprises a browser-based client that can control a remote/networked scanner (see Figure 1).

The browser-based client is provided with an HTML-format document containing a user interface (e.g., HTML Forms-based) that provides a variety of settings that allow the user to interact and control how the scanner operates on a document or image placed upon it. The HTML-format document user interface further contains at least a "Scan" button (See Figures 2, 3).

Once a user has adjusted or left as default the settings he/she has, in effect, associated those settings with the HTML-format user interface document.

In other words, the settings represent *"content previously associated with the electronic document."*

That *"previously associated content"* is submitted to the server when the user clicks the "Scan" button. At least with respect to the document or text scanning user interface (Figure 3), the *"previously associated content"* includes a filename to have associated with the resulting scanned document. That filename is assigned to the scanned output. The server then sends that output back to the client for manipulation.

One of ordinary skill would reasonably interpret "manipulation" as likely including the display of the scanned output to the user via at least the browser.

Thus, Olbright discloses each and every limitation of Claim 1.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Blackwell whose telephone number is (571)272-4089. The examiner can normally be reached on 8-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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11/06/2008

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